

Arnaldo Claudio
Technical Compliance Advisor
TCAPR Corp.
268 Muñoz Rivera, World Plaza, Suite 1001
San Juan, P.R. 00918

VIA ELECTRONIC MAIL

August 31, 2015

Lt. Col. Clementina Vega Rosario
Reform Unit Director
Puerto Rico Police Department
P.O. Box 70166
San Juan, PR 00936

Re: USA v. Commonwealth of Puerto Rico, et al., No. 3:12-cv-2039 (GAG)
Methodology to Review Action Plans on Use of Force, Search and Seizure, Equal Protection, and Administrative Complaints.

Dear Lt. Col. Vega Rosario:

Thank you for sharing your comments on the draft monitoring methodology that the TCA submitted on August 7, 2015 for the four initial Action Plans completed by the Puerto Rico Police Department (PRPD) as part of the Agreement for the Sustainable Reform of the Puerto Rico Police Department (Agreement). The four submitted Action Plans outlined steps that the PRPD has committed to undertake during the Capacity-Building Period to facilitate implementation of the Agreement in the areas of use of force, searches and seizures, equal protection, and civilian complaints and internal investigations.

I now submit the final monitoring methodology, which has been updated in light of the comments I received from the Parties. On August 13, 2015, the Parties and the Technical Compliance Advisor (TCA) discussed the methodology and determined that it should be updated to more precisely reflect the Agreement's requirements during the Capacity-Building Period. The Capacity Building Period began with my appointment as TCA in June 2014 and runs until June 2018.

The purpose of the Capacity-Building Period is best described by the Parties in their "Joint Response to the Six-Month Report of the Technical Compliance Advisor, December 7, 2014 – June 7, 2015," filed on August 17, 2015 (Dkt. #252). In their response, the Parties stated that "[t]he Parties agreed to incorporate a unique capacity-building period during the first four years of the Agreement to permit PRPD to improve and update its management and operating systems and structures." The Parties also agreed to "Action Plans that would be developed by the Commonwealth for each of the eleven substantive sections of the Agreement and would serve as blueprints for PRPD's activities during the capacity-building period."

In the final methodology, I have incorporated the concerns raised by the Parties regarding the foundations of the methodology so they reflect the applicable provisions of the Agreement. I have also incorporated the goals and objectives of the Capacity-Building Period. The updated methodology emphasizes collaborative problem-solving among the Parties and stakeholders without neglecting compliance-oriented monitoring and auditing.

The TCA has updated and tailored the methodology for the Capacity-Building Period to achieve the following two objectives: (a) continue to assist the Commonwealth and PRPD in building operational and management systems and structures that will facilitate compliance with the Agreement following the Capacity-Building Period (see Agreement ¶ 236 concerning feedback and technical assistance to develop and implement Action Plans); and (b) to evaluate PRPD's progress by assessing the implementation of its Action Plans (see Agreement ¶ 240). These steps will permit the TCA to meet its reporting obligations under Paragraph 250.

With respect to the first objective under paragraph 236, the TCA has incorporated the following additional steps into the initial methodology to provide further feedback and technical assistance. It is important to note that many of this technical assistance and feedback has already been provided for more than a year reflecting the spirit of collaboration among the Parties and stakeholders during the Capacity-Building Period that both the PRPD and the TCA have noted in prior reports. In general terms, the methodological steps that have been added are as follows:

- 1) The TCA will continue to develop onsite tour schedules jointly with the PRPD while informing the Parties;
- 2) The TCA will continue to meet with the Superintendent and/or the PRPD leadership at the beginning of monitoring visits to review goals and monitoring activities;
- 3) The TCA will conduct exit briefings following monitoring visits;
- 4) The TCA will continue to share recommendations and soliciting feedback on implementation priorities;
- 5) The TCA will continue to prepare written memoranda describing recommendations and areas of concern following specific audits or assessments;
- 6) The TCA will continue to identify sources and provide materials on best practices; and
- 7) The TCA will continue to facilitate engagement with community groups and other stakeholders to promote collaborative partnerships and broad participation in the reform process.

With respect to the second objective under paragraphs 240 and 250, the TCA will assess and measure the PRPD's progress against its action plans. The TCA will develop specific measurements of progress for each initiative to report the level of compliance achieved. In conducting his organizational assessment of PRPD's action plans and capacity building initiatives, the TCA will use a combination of qualitative and quantitative data collection methods. The emphasis will be on qualitative data collection methods because the PRPD is still in the early process of building robust quantitative data gathering and data reporting capabilities.

As the August 27, 2015 letter from the United States Department of Justice states, the methodology should describe the TCA's steps and plans to assist the PRPD in building robust quantitative data gathering and data reporting capabilities. These data systems will be essential to the PRPD in order to manage its operations, demonstrate compliance, and share information with the public. The first step is for the TCA to continue to offer the expertise of three members of the Core Team – two PhDs with expertise in advanced quantitative methods and one Chief Information Officer - that will be available to assist the PRPD in building this quantitative capacity. Other steps will be detailed in the specific methodologies.

When determining the scale and scope of a report on organizational assessment, decisions must be made about the capacities, core issues, and points of entry to be included in the assessment. What also needs to be established is how these capacities will actually be assessed. The TCA's assessment is to be conducted through a variety of qualitative and quantitative data gathering methods.

Qualitative data gathering methods:

1. Documentary Research and Desk Review.

The TCA will review documentary evidence. This documentation will include internal and external institutional reports, correspondence, organizational and staffing charts, personnel records, administrative reports, MOUs and other agreements, planning documents, needs assessments, monitoring and evaluation reports, and financial records as needed. Access to privileged and confidential documents will be determined on a case-by-case basis.

2. Organizational self-assessment or internal questionnaire.

The TCA will provide, if needed, a structured questionnaire for the PRPD self-assessment in the areas identified in the process. The TCA will also review PRPD's self-assessment reports.

3. Interviewing Key Personnel.

The TCA will interview key individuals who will be able to provide information about the PRPD's programs and initiatives. The best method to collect primary source data is the interviewing of key decision-makers. Unlike an organizational self-assessment report or questionnaire, organizational capacity assessment generates its basic assumptions based on face-to-face, one-on-one targeted interviews. Instead of using a structured questionnaire framework, where interviewers read the questions exactly as they appear on the survey questionnaire and the choice of answers to the questions is often fixed in advance, the TCA will put special emphasis on semi-structured questions.

This method offers flexibility to probe for details, allowing new questions to be brought up during the interview as a result of what the interviewee says. It is a conversation with a purpose. To obtain a balanced view, different perspectives should be gathered. This may imply collecting input from people at various levels of an organization, e.g., managerial, supervisory, and technical personnel at central level and field, persons in charge of personnel planning, recruitment, and training. It may also imply collecting information from an organization's partners (their counterparts in organizations with which it interacts, for instance, DEA, FBI, PRDOJ, government prosecutors, and other government agencies). The ability to identify and gain access to key people with access to information and to extract accurate information from them is intuitive process that requires skills and sensitivity.

4. Focus Group Discussions.

Aside from in-depth interviews other qualitative method that the TCA will use as needed are focus group discussions. Focus group process can take advantage of interactions within the group to stimulate participants to exchange of information and generate new material. Talking to staff or other stakeholders of an institution in group provides an opportunity to elicit information or check impressions gained by face-to-face interviews

5. Site visits and observation.

The TCA will use site visits and observation to gain additional information. Observations can expose information not otherwise obtained or validate information gained by other means. Observation of physical assets of an institution is a way to assess an institution's stock (for example, inventory, equipment, facilities, and so forth). Observation of the behavior of staff is much more difficult, especially if the time available is short, but can provide important insight.

Quantitative data collection methods:

The TCA will use the expertise of the members of the Core Team familiar with statistical techniques and data analysis to develop complex analysis where statistical significance is emphasized. Although simple descriptive analysis procedures are usually sufficient, results must be generalizable. The TCA will focus on measures of central tendency, variability, comparison of groups, and relationships between variables.

In a letter dated on August 13, 2015, the PRPD asked for clarification on the evaluation methodology. In particular, the PRPD asked for additional information on data collection, selection of focus groups, structured interviews, and organizational assessment. The TCA will prepare detailed handouts for the PRPD on how data will be collected, focus groups selected, and questionnaires are prepared. In this process, the TCA will use two main references: Stephen Isaac and William B. Michael, Handbook in Research and Evaluation (EDITS:1995) and Paul Brewerton and Lynne Millward, Organizational Research Methods (SAGE: 2001).

Finally, the TCA will provide a separate and specific Methodology and Performance Evaluation Plans for each Action Plan; which will support the TCA in providing Paragraph 250 (b) review for the 6 Months Report during the Capacity Building Period.

I look forward to working with your and the Parties in the implementation of the Action Plans. If you have any questions or concerns regarding my comments, please do not hesitate to contact me.

Sincerely,

Arnaldo Claudio
Technical Compliance Advisor

C: Luis E. Saucedo
Special Litigation Section, USDOJ

Beatriz Annexy
Special Assistant to the Secretary, PRDOJ